



Friday 17 May 2024

Ann Dougan
Industrial Elections and Ballots (Operations - VIC)
Australian Electoral Commission

By email: IEEvents@aec.gov.au

Dear Ms Dougan

Re: E2023/35 Australian Municipal, Administrative, Clerical and Services Union - Post Election Report

I refer to the Post-Election Report dated 19 April 2024 issued by you as the Returning Officer ('RO') per section 197(1) of the *Fair Work (Registered Organisations) Act 2009* (the 'FWROA').

On behalf of the ASU, per section 198 of the Act, I am responding to the report in relation to that election.

ASU Rules the AEC found ambiguous, and difficult to interpret or apply

By s197(2) you must report on any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply as per Regulations 141(1) as follows:

141 Post-election report by AEC (s 197 (2))

- (1) *For subsection 197 (2) of the Act, the following matters are prescribed for inclusion in the report (the **post-election report**) given under subsection 197 (1) of the Act:*
 - (a) *the declaration mentioned in regulation 140;*
 - (b) *any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;*
 - (c) *any matters in relation to the roll of voters including those matters contained in subsection 197 (3) of the Act;*
 - (d) *the number of written allegations (if any) of irregularities made to the AEC during the election;*
 - (e) *action taken by the AEC in relation to those allegations;*
 - (f) *any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.*

(Emphasis added)

Your report records that the following ASU rules were ‘ambiguous, and difficult to interpret or apply’.

a) National Rules – PART VIIIA

The ASU response to the two national ASU sub-rules 71 g & 76 b referred to in the report at page 9 is as follows:

Rule 71 PROCEDURE AT ELECTIONS

ASU Sub-rule 71 g. provides:

- g. The Branch Returning Officer conducting the respective election must:*
- i. provide a draft of the proposed ballot paper to the Branch Secretary to enable the Branch Secretary to consider the proposed ballot paper;*
 - ii. consult with the respective Branch Secretary in relation to whether the ballot paper is compliant with the electoral rules prior to printing the ballot papers for the election; and*
 - iii. have the Branch Secretary certify in writing that the draft ballot paper accords with the requirements of the ASU Rules.*

(Emphasis added)

The ASU rejects the proposition that rule 71 is ambiguous, and difficult to interpret or apply.

That the AEC has policies and procedures respecting draft ballot papers is not relevant or germane, to the task that must be performed by the AEC – see ss 193 and 195 of the FWROA. Those policies do not provide a basis for determining ‘ambiguity’ nor ‘difficulty in application’. The language of rule 71 is clear it requires a step to be taken.

The Act requires that the rules of the organisation (as certified by the FWC) must be followed pursuant to s193(1)(a) of the FWROA. Absent an irregularity the AEC must perform the action required by the rules. There is no circumstance of an irregularity. In R2022/100 the Fair Work Commission certified rule 71 after rigorous scrutiny of all aspects of the new electoral rules in ASU Rules PART VIIIA ([2022] FWCD 5 – 22 December 2022).

The AEC cannot depart from applying rule 71 absent an irregularity.

The ASU rejects any contention that a defined and transparent process of approving a draft gives rise, of itself, to an irregularity. We note that the AEC has not put this proposition to the ASU.

Further, and in any event, it is difficult to understand how it could be said by the AEC that the application of a general policy could defeat a specific rule as certified. Where does the AEC contend it derives such power from, other than the provisions of s 193 of the FWROA, dealt with below.

The ASU stands by its electoral rules requirements that have been certified by the FWC and are consistent with the FWROA and FWRO Regulations. The ASU puts the AEC on notice that it will in all future elections require compliance, by the AEC, with its certified rules absent action under section 193(1)(b) of the FWROA.

Rule 76 ASSUMPTION AND TENURE OF OFFICE

ASU Sub-rule 76 (b) provides:

- b. The Returning Officer conducting the respective election is to declare the candidates elected in that election:*

- i. *where the number of candidates for the offices to be elected in the election do not exceed the number of offices to be filled, as soon as is practicable but no later than ten (10) days after the close of nominations; or*
- ii. *where a ballot is required for all, or some, of the offices to be elected in the same election as soon as is practicable but no later than ten (10) days, after the close of the ballot.*

(Emphasis added)

Regulation 140 provides a date for the declaration of candidates elected as soon as practicable but no later than 14 days after the close of nominations when unopposed or after the close of a contested ballot. To put this another way the regulation provides for a maximum time in which declaration may occur, not a time in relation to which declaration cannot be made.

The FWC had approved this timeline as being consistent with the FWROA and FWRO Regulations. The rule as presently cast is lawful.

It appears that the AEC misunderstands the law.

Setting the period at 10 days is consequently lawful, it is also not ambiguous nor is it difficult to interpret or apply.

However, the ASU, noting that this may cause some practical difficulty in relation to the period required to correct defects or to withdraw nomination, will vary this rule to refer to a period of 14 days.

b) Branch Rules – PART IX

Old Together Branch Rule 38

Branch Rule 38 provides:

38 – *PROPORTIONAL REPRESENTATION*

- a. *Notwithstanding any provisions of these Branch Rules, commencing in 2015 women will be represented on the Branch Executive and Branch Council as follows:*
 - i. *where the Branch has more than 50% women financial members, not less than 50% of the offices on Branch Council and Branch Executive will be filled by women; and*
 - ii. *where the Branch has more than 30% but less than 50% women financial members, not less than 30% of the offices on Branch Council and Branch Executive will be filled by women.*
- b. *At each Quadrennial Election, in addition to the requirements of PART VII of the National Rules, and any other requirements of these Branch Rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at the close of nominations.*
- c. *In the event that, at the declaration of the election, the number of women elected to the Branch Executive does not equal or exceed the number required by the relevant provision of sub-rule a. of this rule, the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Executive Member (Women) to be filled by women as required by sub-rule a. is achieved.*

The place to commence the analysis is rule 79 of the ASU National rules which provides the elections to be conducted for the Together branch, it provides:

79 - QUEENSLAND TOGETHER BRANCH

- a. Under this rule the office in column A is to be elected by, and from, the financial members attached to the electorate of the Branch set out opposite in column B or forming the Electoral College set out opposite in column C with the number of offices to be filled set out opposite in column D:

A OFFICE	B ELECTORATE	C ELECTORAL COLLEGE	D NUMBER OF OFFICES
<i>Branch President</i>	<i>Branch</i>		<i>1</i>
<i>Branch Senior Vice-President</i>	<i>Branch</i>		<i>1</i>
<i>Branch Vice-President (Industry)</i>	<i>relevant Branch Industry Division</i>		<i>3</i>
<i>Branch Secretary/First National Executive Representative</i>	<i>Branch</i>		<i>1</i>
<i>Branch Assistant Secretary</i>	<i>Branch</i>		<i>2</i>
<i>Other Branch Executive Members</i>		<i>Branch Conference Delegates</i>	<i>see PART IX Division Two A rule 7</i>
<i><u>Branch Executive Members (Women)</u></i>		<i><u>Branch Conference Delegates</u></i>	<i><u>see PART IX Division Two A rule 7</u></i>
<i>Branch Treasurer</i>	<i>Branch</i>		<i>1</i>
<i>Branch Assistant Treasurer</i>	<i>Branch</i>		<i>1</i>
<i>National Executive Representatives</i>	<i>Branch</i>		<i>see PART II sub-rule 8ca.</i>
<i>National Conference Delegates</i>		<i>Branch Conference Delegates</i>	<i>see PART IX Division Two A rule 37</i>
<i>Branch Council Delegates</i>		<i>Branch Conference Delegates</i>	<i>see PART IX Division Two A rule 14</i>
<i><u>Branch Council Delegates (Women)</u></i>		<i><u>Branch Conference Delegates</u></i>	<i><u>see PART IX Division Two A rule 14</u></i>
<i>Branch Conference Delegates representing Industry Sub-Divisions</i>	<i>relevant Industry Sub-Divisions</i>		<i>see PART IX Division Two A rule 31</i>

<i>Branch Conference Delegates representing Regional Zones</i>	<i>relevant Regional Zone</i>		<i>see PART IX Division Two A rule 20</i>
<i>Branch Conference Delegates representing Aboriginal and Torres Strait Islander members</i>	<i>Aboriginal and Torres Strait Islander</i>		<i>see PART IX Division Two A rule 31</i>
<i>Branch Conference Delegate representing Branch Employees</i>	<i>the financial members attached to the Branch Employee Sub-division</i>		<i>see PART IX Division Two A rule 31</i>

(Emphasis added)

Rule 79 relevantly cross references the offices of ‘Branch Executive Members (Women)’ and ‘Branch Council Delegates (Women)’ to respectively rules 7 and 14 of the Together Branch Rules. Those rules are relevantly, and respectively, as follows:

7 – BRANCH EXECUTIVE

a. *The Branch Executive consists of the:*

- i. *Branch President;*
- ii. *Branch Senior Vice-President;*
- iii. *three (3) Branch Industry Division Vice-Presidents;*
- iv. *Branch Secretary;*
- v. *two (2) Branch Assistant Secretaries;*
- vi. *Branch Treasurer;*
- vii. *Branch Assistant Treasurer;*
- viii. *ten (10) Other Branch Executive Members; and*
- ix. *Branch Executive Member (Women) (if any).*

b. *The Branch Executive Officers will be elected at the Quadrennial Elections.*

- c. i. *The number of members of the Branch Executive, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Election for the Branch, that the provisions of rule 38 have been met.*
- ii. *In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Executive Member (Women) as are required to be elected to achieve compliance with the provisions of rule 38.*
- iii. *Those members elected to the office of Branch Executive Member (Women), subject to this rule will:*

- A. *hold office until the declaration of the next Quadrennial Election, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and*
 - B. *be entitled to exercise the same powers and have the same obligations as other members of the Branch Executive.*
- iv. *This sub-rule does not prevent the elections for the other offices of the Branch Executive from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office, or offices, of Branch Executive Member (Women).*
- d. *A member of the Branch Executive who ceases to be a member attached to the Branch immediately ceases to be a Branch Executive Officer.*

14 – BRANCH COUNCIL

- a. *The Branch Council consists of the persons elected to and holding, in accordance with these Branch Rules, the offices of:*
- i. *Branch Executive Officer;*
 - ii. *40 Branch Council Delegates elected by, and from, the Branch Conference; and*
 - iii. *Branch Council Delegate (Women) (if any).*
- b. *The Branch Council Delegates will be elected at the Quadrennial Elections.*
- c. i. *The number of members of the Branch Council, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Election for the Branch, that the provisions of rule 38 have been met.*
- ii. *In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Council Delegate (Women) as are required to be elected to achieve compliance with the provisions of rule 38.*
- iii. *Only Branch Conference Delegates who are women may nominate for the office of Branch Council Delegate (Women).*
- iv. *Those members elected to the office of Branch Council Delegate (Women), subject to this sub- rule will:*
- A. *hold office until the declaration of the next Quadrennial Election, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and*
 - B. *be entitled to exercise the same powers and have the same obligations as other members of the Branch Council.*
- v. *This sub-rule does not prevent the elections for the other offices of the Branch Council from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office of Branch Council Delegate (Women).*
- d. *A member of the Branch Council who ceases to be a member attached to the Branch immediately ceases to be a Branch Councillor.*

These rules in turn refer to Together Branch Rule 38. That rule provides the requirement for the number of offices to be filled. It does not provide for a 'quota', rather it provides a formula for the ascertainment of how many offices (if any) need to be created and filled. It is a balancing proposition and only operates to 'top-up' when required i.e. if the number of women on Executive or Council is not sufficient to reflect the female membership of the Union.

The 'Proportional Representation' rule has been a feature of the ASU rules for a considerable period and over many election cycles (see Qld Services and Northern Administrative Branch Rule 34).

Given that the rule could be incorrectly interpreted by the AEC in future the ASU will seek to amend accordingly to ensure clarity and consistency.

Difficulties encountered by the ASU in the AEC administration of the Elections

a) ASU National issues

Election timetable & Preliminary Discussions

The FWC handed down a decision re Arrangement for Conduct of Election [2023] FWCD 1010 on 4 April 2023 a full month before Nominations opened yet the AEC did not appoint a Returning Officer until late April 2023. This was despite inquiries initially by phone and later in writing to the AEC on 21 April 2023 (**see Appendix A**) by the ASU. The ASU was eventually advised on 24 April 2023 that Ann Dougan had been appointed as the Returning Officer. A meeting between Ms Dougan and ASU National Secretary was organised for 26 April 2023 and drafts of election notices were sent on 24 April 2023 (**see Appendix B**).

At the meeting on 26 April there were a number of outstanding issues that required further discussion. A further meeting between the RO and the ASU National Secretary occurred on 1 May 2023 to resolve outstanding items not agreed to in particular a potential delay in the election timetable. The ASU insisted on proceeding with the ASU rule timelines and argued that the proposed delay of the election timing because of outstanding branch related rule changes was unreasonable given that the FWC had ensured all outstanding ASU rule alterations were approved in advance of the pivotal date of nominations opening on 3 May 2023.

While the ASU electoral timetable was resolved consistent with the rules there remained other outstanding issues in the RO's first Planning Letter for the election dated 2 May 2023 (**see Appendix C**). As a result of some agreed changes including: removal of the membership email addresses requirement (Column 'F'), references to (Membership) "Roll" in place of "List" and removal of a requirement to provide the Roll of Voters "electronically" to members, there was a second AEC Planning Letter issued on 3 May 2023 (**see Appendix D**)

However there remained a few significant unresolved issues. These included: Column 'N' – Incorrect last known address and Column 'O' - Workplace Addresses.

It is important to note that the ASU had indicated to the AEC that based on legal advice we were advising Branches not to provide details in Column "N" and "O" as it was inconsistent with the requirement to make a signed Declaration on the membership register as it was on the required earlier date.

The ASU had also expressed concerns with the AEC's request for a one Team Nomination form, rather than a more practical compilation of team nominations forms completed separately where necessary but otherwise submitted once on behalf of a Team.

It is clear that the AEC had a chronic shortage of staff and resources. The response of AEC's Director Operations Ms Kaye Bartlett indicated as much when referring to RO Ms Dougan interviewing new staff on 4 May 2023 (see **Appendix E**). The ASU acknowledges that AEC staff often did the best they could with what they had to meet all timelines. The ASU also acknowledges the efforts made by Ms Bartlett, AEC Industrial Elections Assistant Director, Mr Ben Murray and support staff to assist the RO to rectify constraints on resources and time.

All ASU National concerns were conveyed in correspondence to Mr Ben Murray on 5 May 2023 (see **Appendix F**) following advice from John Payne from Hall Payne Lawyers (HPL'). The legal advice was generally followed by the AEC except for "last known addresses" and "indication of workplace addresses for members who only have a workplace address" which remained outstanding as highlighted by a follow up letter from ASU to the AEC dated 15 May 2023 (see **Appendix G**).

b) Branch issues

i) Victorian & Tasmanian Authorities and Services Branch (Vic/Tas A&S)

- **Election Notice Delays** -In correspondence dated 5 May 2023 from Hall Payne Lawyers to the ASU National Secretary legal advice addressed the Branch concerns with delays on publishing election notices prior to Nominations Opening on 3 May 2023 as a result of AEC causes (see **Appendix H**). The conclusion was there was no breach of the ASU Rule 65 nor the Act and there was no irregularity that arose.
- **Team Nominations** - The Vic/Tas A&S Branch sought legal advice in relation to concerns with the AEC drafting of team nomination forms (see **Appendix I** – ASU letter to RO re HPL Advice dated 9 May 2023). The advice related to avoiding confusion about the form and requirements of team and individual nomination forms. This issue was ultimately resolved satisfactorily but caused unnecessary confusion for all ASU Branches. It is clear the matter could have been resolved well before the electoral timetable.

ii) NSW & ACT (Services), SA&NT & QSNA Branches

In person ballots for the purposes of Stage 2 Collegiate elections in New South Wales, South Australia and Northern Territory and QLD Services were initially denied because of Covid concerns. As a result of legal advice and correspondence sent to the AEC this decision was reversed for all three Branches effected (see **Appendix J** - letter from NSW & ACT (Services) Branch to the AEC dated 26 June 2023).

iii) VIC PS Branch

Ballot papers should be sent to arrive on the day the ballot opens. Ballots were not arriving for up to 2 weeks into a 4-week process in a significant number of cases.

In conclusion the prospect of a delayed election timetable and several other disagreements about the interpretation of the newly approved ASU rules and apparent conflict with AEC policies caused unnecessary confusion, uncertainty, stress and legal costs for ASU national and branch officials involved with the administration of the quadrennial elections.

The running of the ASU elections requires the AEC to work constructively with union officials who have the responsibility of taking steps required by the electoral process.

Planning should start well in advance of a union election, e.g. 3 – 6 months, with meetings between the RO and National Secretary finalising the process detail to avoid ongoing disputation in relation to rule interpretation and AEC policies that are at odds with the FWROA and Union rules.

The ASU stands by its conduct and the advice it received and communicated to the AEC.

If you have any further questions in relation to the above, please contact me or John Nucifora at this office.

Yours faithfully



Robert Potter
National Secretary

From: [John Nucifora](#)
To: ["iebevents@aec.gov.au"](mailto:iebevents@aec.gov.au)
Cc: [Robert Potter](#); [Dani Brooks](#)
Subject: E2023/35 - Australian Municipal, Administrative, Clerical and Services Union (ASU) Quadrennial Elections
Date: Friday, 21 April 2023 9:07:00 AM
Attachments: [image001.png](#)

Australian Electoral Commission

Industrial Division

Dear Assistant Commissioner,

I refer to the FWC Arrangement for conduct of an election decision; [2023] FWCD 1010 issued on 4 April 2023.

This is to request the status of the AEC conduct of the ASU election given the timelines required under the ASU rules in particular the opening of nominations on the first Wednesday in May ie 3 May 2023 (Rule 65 a.).

I can be contacted as per the details below.

JOHN NUCIFORA

Compliance & Legal Officer

AUSTRALIAN SERVICES UNION

National Office Melbourne

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From: [John Nucifora](#)
To: [IEB Events](#)
Cc: [Robert Potter](#); [Dani Brooks](#)
Subject: ASU Quadrennial Election Update - Draft Election Notices
Date: Monday, 24 April 2023 1:02:00 PM
Attachments: [image002.png](#)
[ASU Election Notice Draft.docx](#)
[Election Information.docx](#)
[QT Branch Election Notice .docx](#)
[QSNABranch Election Notice.docx](#)
[WA Branch Election Notice .docx](#)
[Tax Branch Election Notice - 2023.docx](#)
[NSW & ACT Branch Election Notice .docx](#)
[US Branch Election Notice.docx](#)
[Vic Tas Branch Election Notice .docx](#)
[SA NT Branch Election Notice .docx](#)
[Vic PS Branch Election Notice - 2023.docx](#)
[ASU 2023 Quadrennial Election Timetable.pdf](#)

Ann Dougan

Industrial Elections and Ballots (Operations - VIC) | Service Design and Foundations Branch
Australian Electoral Commission

Dear Ann,

Thank you for your earlier advice about your appointment as ASU National Returning.

As discussed, I have with your Assistant Director, Benjamin Murray, arranged for a meeting for **1 pm on Wednesday(26/4)** this week between both yourselves, ASU National Secretary, Robert Potter and myself.

Please find attached along with the electoral timetable, as per the ASU Electoral Rules, a draft of a national Union Election web notice(s) for further consideration before nominations are due to open the following Wednesday (3/5). The proposal, similar to the previous 2019 quadrennial election, is to publish the attached on the ASU national website subject to consultation with yourself and completion of all drafting links for Branch websites based on the attached Branch election details.

If the Wednesday meeting is suitable with you, Dani Brooks from our office can arrange a Teams meeting and send out an Invite.

If you have any further questions, please don't hesitate to contact me or Robert Potter.

Regards,

JOHN NUCIFORA

Compliance & Legal Officer

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ASU ELECTION TIMETABLE – 2023

BRANCH ELECTION TIMETABLE 2023		
Determine whether collegiate election (Branch/National) postal or meeting	To be included in PI – ASU rule 74 - See also Branch Collegiate Timetable 2023	
Lodgement of ASU PI	No later than 2 months before nominations open – ASU Rule 61 b.	3/3/2023
Close of Roll of Voters for election	30 days prior to nominations opening – ASU Rule 71 b.	3/4/2023
Roll of Voters provided to RO	As soon as practicable after close of roll - ASU Rule 71 d.	7/4/2023
Nominations Open	First Wednesday May – ASU Rule 65 a.	3/5/2023
Nominations Close	21 days after nominations called – ASU Rule 67 a.	24/5/2023
Not Contested	Election Declared no later than 10 days after close of nominations - ASU Rule 76 b.i.	3/6/2023
Contested Election (if Required)	Ballot Opens 28 days after nominations close - ASU Rule 70 c.	21/6/2023
	Ballot closes 28 days after it opens - ASU Rule 70 d.	19/7/2023
	Election declared no later than 10 days after close of ballot - ASU Rule 76 b.ii.	29/7/2023
BRANCH COLLEGIATE TIMETABLE 2023		
QT Branch	Other BE members, BE members (Women), NCD, BCD & BCD (Women) by relevant Branch Industry Divisions' Conference Delegates	Postal after Quadrennial election
QSNA Branch	DBP by VPs	First BE mtg
NSW/ACT Services	NCDs by Branch Council	First BC mtg
SA/NT Branch	DP by Branch Council; NCD & 1,2,3 Alternate NCD by Branch Conference	DP – BCoun mtg NCD/Alt – BConf mtg
NATIONAL ELECTION TIMETABLE 2023		
Roll of NE Members	As soon as practicable after Branch election declaration or prior to first Wed in August - ASU Rule 74 c.	Prior to 2/8/2023
Nominations Open	First Wed. following 28 Days after declaration of all Branch Reps on NE or first Wed in August (whichever earlier) - ASU Rule 66 b.	From 5/7/2023 to 2/8/2023 depending on ballot contest
Nominations Close	21 days after nominations open – ASU Rule 67 a.	From 26/7/2023 to 23/8/2023 depending on ballot contest
Not Contested	Election Declared no later than 10 days after close of nominations - ASU Rule 76 b.i.	From 5/8/2023 to 2/9/2023 depending on ballot contest
Contested Election (where Postal Ballot)	Ballot Opens 28 days after close of nominations – ASU Rules 70 c. and 74 k.ii	23/8/2023 to 20/9/2023 depending on ballot contest
	Ballot Closes 28 days after it opens - ASU Rule 70 d.	From 20/9/2023 to 18/10/2023 depending on ballot contest
	Election Declared no later than 10 days after close of the Ballot - ASU Rule 76 b.ii.	From 30/9/2023 to 28/10/2023 depending on ballot contest
Contested Election (where Meeting Ballot)	Ballot to be conducted and declared at a meeting to occur at least 8 days after the close of nominations - ASU rules 69 b., 74 k.i and 74 s.	3/8/23 to 31/8/23 depending on ballot contest

ASU election year 2023

...[DATE]..... 2023

All elected National and Branch positions in the ASU are up for re-election this year.

Officers of the Union are elected every four years and all eligible members are entitled to run for Branch offices.

Branch Nominations open on Wednesday 3 May 2023 and close at 4 pm on Wednesday 24 May 2023.

National Nominations will open following the completion of the Branch elections.

Nomination Notices for all ASU Branch offices, election Information and team & individual nominations forms (**Election Materials**) are accessible for each Branch by the links below.

The Election Materials are also available on each respective Branch website.

ASU elections are conducted by the Australian Electoral Commission (**AEC**).

The AEC appoints a National Electoral Officer & Branch Electoral Officers (for each of the respective Branches) to conduct the elections. The contact details for these AEC Electoral Officers are set out below.

The Nomination Notices will also be published on the AEC website. Nominations forms (team and individual) for a Branch Office can also be obtained from the AEC.

National offices:

National President;

National Vice-President;

National Secretary; and

Assistant National Secretary,

will be elected by, and from, the National Executive members after the declaration of all Branch representatives on the National Executive.

The elections are conducted under the rules of the Union and the Fair Work (Registered Organisations) Act 2009.

ASU members are urged to make sure the Union has their correct address as the elections will be conducted by post with the AEC posting ballot papers to home addresses.

Queensland Together Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

Queensland (Services and Northern Administrative) Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

Western Australian Division

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

Taxation Officers' Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

New South Wales and ACT (Services) Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

**New South Wales Local Government,
Clerical, Administrative, Energy, Airlines & Utilities Branch**

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

Victorian and Tasmanian Authorities and Services Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

South Australian and Northern Territory Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

Victorian Private Sector Branch

Election Notice

Election Information

Individual Nomination Form

Team Nomination Form

Contact Details

Name:	Robert Potter
Telephone:	03 9342 1400
Email:	info@asu.asn.au

ASU Branch Election Information

1. **Nominations** for Office must be in writing and comply with the registered rules of the ASU. A copy of the ASU (inclusive of branches) rules can be accessed here: [ASU Rules](#).
2. **Nomination forms** are available on request from the Union or from the AEC Returning Officer.
3. Only Branch members (of a respective Branch or Branch section) for an office or branch's section who are **financial at the date on which nominations close** and have been **continuously financial for twelve months** immediately preceding that date will be eligible to be nominated for an office of the Branch.
4. In terms of **Individual Nominations** candidates must be nominated by two other eligible members who were financial on the day 30 days prior to the opening of nominations - **3 April 2023. Office nomination qualifications for Branch Sections**, such as **Industry Divisions** can be found at **ASU Sub-Rule 67 d. Team Nomination** requirements can be found at **ASU Rule 68**.
5. A member is entitled to nominate for, and hold, **only one full-time office** and unless permitted under the ASU Branch Rules is only entitled to nominate and hold **one office on the same Governance Body**.
6. Prospective candidates and nominators should **verify their financial status** and any other qualifications required by the ASU's rules prior to lodging nominations.
7. Nominations cannot be withdrawn after **4 pm AEST on Wednesday, 31 May 2023**.
8. Candidates may appoint **Scrutineers** at the time of lodging their nomination or at a time up to the declaration of the result of the election. A form is available from the Returning Officer for the purposes of appointing Scrutineers.
9. Under s190 of the Fair Work (Registered Organisations) Act 2009 **ASU resources and property** cannot be used to support the candidacy of one person over another in the election.
10. **Voting Period:** If a ballot is required the postal ballot will **open on Wednesday, 21 June 2023 and close at 4 pm AEST on Wednesday, 19 July 2023. The election will be declared** no later than 10 days after close of ballot: **29 July 2023**.

**Australian Municipal, Administrative, Clerical and Services Union
New South Wales and ACT (Services) Branch**

ELECTION NOTICE - E2023/35 Stage 1

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION - BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President	Branch	1
Deputy Branch President	Branch	2
Branch Vice-President - Social and Community Services	Social and Community Services Industry Division	1
Branch Vice-President - Water	Water Industry Division	1
Branch Vice-President - Transport and Technology	Transport and Technology Division	1
Branch Treasurer	Branch	1
Branch Secretary/First National Executive Representative	Branch	1
Deputy Branch Secretary	Branch	1

Branch Executive Members – Industry Divisions

Office	Electorate	Number of Offices
Branch Executive Member – Social and Community Services	Social and Community Services Industry Division	6
Branch Executive Member – Water	Water Industry Division	1
Branch Executive Member – Transport and Technology	Transport and Technology Industry Division	1

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Committee of Management – Industry Divisions

Office	Electorate	Number of Offices
Water Industry Division		
President	Water Industry Division	1
Vice President	Water Industry Division	1
Committee Member	Water Industry Division	8
Social and Community Services (SACS) Industry Division		
President	SACS Industry Division	1
Vice President (New South Wales)	SACS Industry Division other than ACT sub-division	1
Vice President (ACT)	SACS ACT Industry Division	1
Committee Member	SACS Industry Division	4
SACS Sub-Division		
Committee Member - Aboriginal Services	Aboriginal Services Sub-Division	1
Child Protection, Youth & Family Services	Child Protection, Youth & Family Services Sub-Division	1
Community & Neighbourhood Services	Community & Neighbourhood Services Sub-Division	1
Community Legal Services	Community Legal Services Sub-Division	1
Disability Services	Disability Services Sub-Division	1
Employment Services	Employment Services Sub-Division	1

Health, Mental Health & Alcohol and other Drug Services	Health, Mental Health & Alcohol and other Drug Services Sub-Division	1
Homelessness, Housing and Tenancy Services	Homelessness, Housing and Tenancy Services Sub-Division	1
Aruma	Aruma Sub-Division	1
Life Without Barriers	Life Without Barriers Sub-Division	1
Lifestyle Solutions	Lifestyle Solutions Sub-Division	1
Migrant & Settlement Services	Migrant & Settlement Services Sub-Division	1
Policy, Advocacy, Campaigning Services	Policy, Advocacy, Campaigning Services Sub-Division	1
SACS ACT	SACS ACT Sub-Division	1
SACS Blue Mountains	SACS Blue Mountains Sub-Division	1
SACS CEO or Senior Leadership	SACS CEO or Senior Leadership Sub-Division	1
SACS Far North Coast-Lismore	SACS Far North Coast-Lismore Sub-Division	1
SACS Illawarra	SACS Illawarra Sub-Division	1
Uniting	Uniting Sub-Division	1
Women's Services	Women's Services Sub-Division	1
New Horizons	New Horizons Sub-Division	1
Samaritans	Samaritans Sub-Division	1
Achieve Australia	Achieve Australia Sub-Division	1
DSA	DSA Sub-Division	1
The Disability Trust	The Disability Trust Sub-Division	1
Live Better	Live Better Sub-Division	1

Westhaven	Westhaven Sub-Division	1
Transport and Technology Industry Division		
President	Transport and Technology Industry Division	1
Vice President	Transport and Technology Industry Division	1
Treasurer	Transport and Technology Industry Division	1
Committee Member	Transport and Technology Industry Division	7
Provisional Branch Councillor (Women)	Branch	10

National Executive

Office	Electorate	Number of Offices
National Executive Representative	Branch	2

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the New South Wales & ACT (Services) Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:

[xxx].

8. Returning Officer's secure electronic site for the receipt of nominations is:

[xxx].

9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.

10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

DRAFT

**Australian Municipal, Administrative, Clerical and Services Union
Queensland (Services and Northern Administrative) Branch**

ELECTION NOTICE - E2023/35

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION – BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President	Branch	1
Branch Executive President/ Second National Executive Representative	Branch	1
Branch Industry Division Vice- President – Energy Branch Industry Division	Energy Branch Industry Division	1
Branch Industry Division Vice- President – Local Authorities and Brisbane City Council Branch Industry Division – Local Authorities/Water Sector	Local Authorities and Brisbane City Council Branch Industry Division other than employees of Brisbane City Council	1
Branch Industry Division Vice- President – Local Authorities and Brisbane City Council Branch Industry Division – BCC Sector	Local Authorities and Brisbane City Council Branch Industry Division employees of Brisbane City Council	1
Branch Industry Division Vice- President – Transport and Northern Administrative Branch Industry Division – Rail Sector	Transport and Northern Administrative Branch Industry Division employed in Rail	1
Branch Industry Division Vice- President – Transport and Northern Administrative	Administrative Branch Industry Division employed in the: Ports and Private Sector; or	1

Branch Industry Division – Ports, Private and North Queensland Clerical and Administrative Sector	Northern Queensland Clerical and Administrative Industry Sector	
Branch Industry Division Vice-President – Social and Community Services Sector Branch Industry Division	Social and Community Services Sector Branch Industry Division	1
Branch Vice-President (Women)	Branch (Women)	1
Branch Vice-President (Youth)	Branch members not attained the age of 35	1
Branch Treasurer	Branch	1
Branch Secretary/First National Executive Representative	Branch	1
Assistant Branch Secretary *	Branch	1
Provisional Branch Executive Members (Women)	Branch (Women)	5

**If notified as being required per Branch Rule 30 a. & 30 b.*

National Executive

Office	Electorate	Number
Third National Executive Representative	Branch	1

National Conference

Office	Electorate	Number of Offices
National Conference Delegate	Branch	14
First Alternate National Conference Delegate	Branch	1
Second Alternate National Conference Delegate	Branch	1

Third Alternate National Conference Delegate	Branch	1
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Branch Council

Position	Electorate	Number of Positions
Branch Councillor – Energy Industry Division	Energy Branch Industry Division	6
Branch Councillor – Local Authorities and Brisbane City Council Industry Division	Brisbane City Council, Local Authorities and Water entities Branch Industry Division	14
Branch Councillor – Transport and Northern Administrative Industry Divisions	Members not attached to the Energy, Local Authorities and Brisbane City Council or Social and Community Services Sectors Industry Divisions	6
Branch Councillor – Social and Community Services Industry Division	Social and Community Services Sector Branch Industry Division	12
Branch Councillor - Women	Branch (Women)	10

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the Queensland (Services and Northern Administrative) Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:
[xxx].

9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.
10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [[insert](#)].

Branch Returning Officer

DRAFT

Australian Municipal, Administrative, Clerical and Services Union
Queensland Together Branch

ELECTION NOTICE - E2023/35 – Stage 1

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION - BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President	Branch	1
Branch Senior Vice-President	Branch	1
Branch Vice-President (Public Service Industry)	Public Service Industry Division	1
Branch Vice-President (Public Health Industry)	Public Health Industry Division	1
Branch Vice-President (General Industry)	General Industry Division	1
Branch Secretary/First National Executive Representative	Branch	1
Branch Assistant Secretary	Branch	2
Branch Treasurer	Branch	1
Branch Assistant Treasurer	Branch	1

National Executive

Office	Electorate	Number of Offices
National Executive Representative	Branch	2

Branch Conference

Office	Electorate	Number of Offices
Branch Conference Delegate representing Aboriginal & Torres Strait Islander members	Aboriginal & Torres Strait Islander members	10
Branch Conference Delegate representing Together Branch Employees	Together Branch Employees	1

Branch Conference Delegates representing Branch Industry Sub-Divisions

Office	Electorate	Number of Offices
Public Service Industry Sub-Division 1	Relevant Branch Industry Sub-Division	10
Public Service Industry Sub-Division 2	Relevant Branch Industry Sub-Division	29
Public Service Industry Sub-Division 3	Relevant Branch Industry Sub-Division	28
Public Service Industry Sub-Division 4	Relevant Branch Industry Sub-Division	17
Public Service Industry Sub-Division 5	Relevant Branch Industry Sub-Division	11
Public Service Industry Sub-Division 6	Relevant Branch Industry Sub-Division	52
Public Health Industry Sub-Division 1	Relevant Branch Industry Sub-Division	15
Public Health Industry Sub-Division 2	Relevant Branch Industry Sub-Division	13
Public Health Industry Sub-Division 3	Relevant Branch Industry Sub-Division	7
Public Health Industry Sub-Division 4	Relevant Branch Industry Sub-Division	4

Public Health Industry Sub-Division 5	Relevant Branch Industry Sub-Division	7
Public Health Industry Sub-Division 6	Relevant Branch Industry Sub-Division	5
Public Health Industry Sub-Division 7	Relevant Branch Industry Sub-Division	3
Public Health Industry Sub-Division 8	Relevant Branch Industry Sub-Division	3
Public Health Industry Sub-Division 9	Relevant Branch Industry Sub-Division	3
Public Health Industry Sub-Division 10	Relevant Branch Industry Sub-Division	4
Public Health Industry Sub-Division 11	Relevant Branch Industry Sub-Division	3
Public Health Industry Sub-Division 12	Relevant Branch Industry Sub-Division	1
Public Health Industry Sub-Division 13	Relevant Branch Industry Sub-Division	3
Public Health Industry Sub-Division 14	Relevant Branch Industry Sub-Division	7
Public Health Industry Sub-Division 15	Relevant Branch Industry Sub-Division	3
Public Health Industry Sub-Division 16	Relevant Branch Industry Sub-Division	9
General Industry Sub-Division 1	Relevant Branch Industry Sub-Division	18
General Industry Sub-Division 2	Relevant Branch Industry Sub-Division	6
General Industry Sub-Division 3	Relevant Branch Industry Sub-Division	3
General Industry Sub-Division 4	Relevant Branch Industry Sub-Division	10

Branch Conference Delegates representing Regional Zones

Office	Electorate	Number of Offices
Cairns and Hinterland	Relevant Branch Industry Sub-Division	1
Central Queensland	Relevant Branch Industry Sub-Division	1
Darling Downs	Relevant Branch Industry Sub-Division	1
Mackay	Relevant Branch Industry Sub-Division	1
North West	Relevant Branch Industry Sub-Division	1
South West	Relevant Branch Industry Sub-Division	1
Torres and Cape	Relevant Branch Industry Sub-Division	1
Townsville	Relevant Branch Industry Sub-Division	1
Wide Bay	Relevant Branch Industry Sub-Division	1

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4pm.
4. The name, and the phone number, of the Returning Officer conducting the Queensland Together Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:

[xxx].

7. Returning Officer's email address for the receipt of nominations is:

[xxx].

8. Returning Officer's secure electronic site for the receipt of nominations is:

[xxx].

9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.

10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

DRAFT

Australian Municipal, Administrative, Clerical and Services Union

South Australian and Northern Territory Branch

ELECTION NOTICE - E2023/35 - Stage 1

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION – BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President	Branch	1
Branch Vice President – Energy & Local Government	Energy & Local Government Industry Sections	1
Branch Vice President – (Woman) Energy & Local Government	Energy & Local Government Industry Sections	1
Branch Vice President - Airlines & Federal Awards, Commercial, Finance, Community Services, Legal and NT	Airlines & Federal Awards, Commercial, Finance, Community Services, Legal and NT Industry Sections	1
Branch Vice President (Woman) - Airlines & Federal Awards, Commercial, Finance, Community Services, Legal and NT	Airlines & Federal Awards, Commercial, Finance, Community Services, Legal and NT Industry Sections	1
Branch Secretary/First National Executive Representative	Branch	1
Branch Assistant Secretary/Second National Executive Representative	Branch	1

Branch Council

Office	Electorate	Number of Offices
Branch Councillor – Airlines & Federal Awards	Airlines & Federal Awards Industry Section	1
Branch Councillor – Airlines & Federal Awards (Women)	Airlines & Federal Awards Industry Section	1
Branch Councillor – Commercial	Commercial Industry Section	1
Branch Councillor – Commercial (Women)	Commercial Industry Section	1
Branch Councillor – Energy	Energy Industry Section	1
Branch Councillor – Energy (Women)	Energy Industry Section	1
Branch Councillor – Local Government	Local Government Industry Section	2
Branch Councillor – Local Government (Women)	Energy Industry Section	2
Branch Councillor – Community Services	Community Services Industry Section	3
Branch Councillor – Community Services (Women)	Community Services Industry Section	2
Branch Councillor – Finance	Finance Industry Section	1
Branch Councillor – Legal Industry	Legal Industry Section	1
Branch Councillor – Northern Territory	Northern Territory Industry Section	1

Branch Conference

Office	Electorate	Number of Offices
Branch Conference Delegate – Airlines & Federal Awards	Airlines & Federal Awards Industry Section	1

Branch Conference Delegate – Commercial	Commercial Industry Section	2
Branch Conference Delegate – Commercial (Women)	Commercial Industry Section	2
Branch Conference Delegate – Energy	Energy Industry Section	1
Branch Conference Delegate – Local Government	Local Government Industry Section	3
Branch Conference Delegate – Local Government (Women)	Local Government Industry Section	3
Branch Conference Delegate – Community Services	Community Services Industry Section	3
Branch Conference Delegate – Community Services (Women)	Community Services Industry Section	3
Branch Conference Delegate – Finance	Finance Industry Section	1
Branch Conference Delegate – Legal Industry	Legal Industry, Industry Section	1
Branch Conference Delegate – Northern Territory	Northern Territory Industry Section	2
Branch Conference Delegate – Northern Territory (Women)	Norther Territory Industry Section	2

Industry Section Organising Committee

Position	Electorate	Number of Positions
Convenor – Airlines & Federal Awards	Airlines & Federal Awards Industry Section	1
Deputy Convenor – Airlines & Federal Awards	Airlines & Federal Awards Industry Section	1
Coordinator/Secretary – Airlines & Federal Awards	Airlines & Federal Awards Industry Section	1

Convenor – Commercial	Commercial Industry Section	1
Deputy Convenor – Commercial	Commercial Industry Section	1
Coordinator/Secretary – Commercial	Commercial Industry Section	1
Convenor – Energy	Energy Industry Section	1
Deputy Convenor – Energy	Energy Industry Section	1
Coordinator/Secretary – Energy	Energy Industry Section	1
Convenor – Local Government	Local Government Industry Section	1
Deputy Convenor – Local Government	Local Government Industry Section	1
Coordinator/Secretary – Local Government	Local Government Industry Section	1
Convenor – Community Services	Community Services Industry Section	1
Deputy Convenor – Community Services	Community Services Industry Section	1
Coordinator/Secretary – Community Services	Community Services Industry Section	1
Convenor – Finance	Finance Industry Section	1
Deputy Convenor – Finance	Finance Industry Section	1
Coordinator/Secretary – Finance	Finance Industry Section	1
Convenor – Legal Industry	Legal Industry Section	1
Deputy Convenor – Legal Industry	Legal Industry Section	1
Coordinator/Secretary – Legal Industry	Legal Industry Section	1
Convenor – Northern Territory	Northern Territory Industry Section	1

Deputy Convenor – Northern Territory	Northern Territory Industry Section	1
Coordinator/Secretary – Northern Territory	Northern Territory Industry Section	1

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the South Australian and Northern Territory Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:
[xxx].
9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.
10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

Australian Municipal, Administrative, Clerical and Services Union

Taxation Officers' Branch

ELECTION NOTICE - E2023/35

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION – BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President/ Second National Executive Representative	Branch	1
Branch Vice-President	Branch	1
Branch Secretary/ First National Executive Representative	Branch	1
Branch Assistant Secretary	Branch	1
Branch Treasurer	Branch	1
Branch Executive Member	Branch	4

National Executive

Office	Electorate	Number of Offices
Alternate National Executive Representative	Branch	1

National Conference

Office	Electorate	Number of Offices
National Conference Delegate	Branch	3
Alternate National Conference Delegate	Branch	1

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the Taxation Officers' Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:
[xxx].
9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.
10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

Australian Municipal, Administrative, Clerical and Services Union
New South Wales Local Government, Clerical, Administrative,
Energy, Airlines & Utilities Branch

ELECTION NOTICE - E2023/35

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION - BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President/Second National Executive Representative	Branch	1
Branch Vice President	Branch	1
Branch Secretary/First National Executive Representative	Branch	1
Branch Treasurer	Branch	1

Committee Members of the Branch Executive

Office	Electorate	Number of Offices
ACT Clerical & Administrative	ACT Clerical & Administrative Sub-Branch	1
Airlines	Airlines Sub-Branch	1
Central West	Central West Sub-Branch	1
Energy & Utilities	Energy & Utilities Sub-Branch	1
Murray	Murray Sub-Branch	1
New England	New England Sub-Branch	1
Newcastle	Newcastle Sub-Branch	1

North Western	North Western Sub-Branch	1
Northern	Northern Sub-Branch	1
NSW Clerical & Administrative	NSW Clerical & Administrative Sub-Branch	1
Riverina	Riverina Sub-Branch	1
Southern	Southern Sub-Branch	1
Sydney Metropolitan	Sydney Metropolitan Sub-Branch	4

National Conference

Office	Electorate	Number of Offices
National Conference Delegate	Branch	28
Alternate National Conference Delegate	Branch	6

National Executive

Office	Electorate	Number
Third National Executive Representative	Branch	1

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:

[xxx].

9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.
10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

DRAFT

Australian Municipal, Administrative, Clerical and Services Union

Victorian Private Sector Branch

ELECTION NOTICE - E2023/35

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION - BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President	Branch	1
Branch Vice-President (Women)	Branch	1
Branch Secretary/ First National Executive Representative *	Branch	1
Assistant Branch Secretary/ Second National Executive Representative *	Branch	1
Branch Executive Member	Branch	3
Branch Executive Member Women	Branch	3

* One of whom must be a woman as per Branch rule 20 a.

National Conference

Office	Electorate	Number of Offices
National Conference Delegate	Branch	6 (at least 3 must be women – Branch rule 11 b)
First Alternate National Conference Delegate	Branch	1

Second Alternate National Conference Delegate	Branch	1
Third Alternate National Conference Delegate	Branch	1

Branch Conference – Industry Divisions

Office	Electorate	Number of Offices
Branch Conference Delegate - Airlines	Airlines Branch Industry Division	6 (at least 3 of whom must be women - Branch rule 8.b. ii. A)
Branch Conference Delegate - Private Sector	Private Sector Branch Industry Division	10 (at least 5 of whom must be women - Branch rule 8.b. ii. B)

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the Victorian Private Sector Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:
[xxx].
9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.
10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

Australian Municipal, Administrative, Clerical and Services Union

Victorian and Tasmanian Authorities and Services Branch

ELECTION NOTICE - E2023/35

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION – BRANCH

1. The offices for which an election is to occur, are:

Branch Executive

Office	Electorate	Number of Offices
Branch President / National Conference Delegate	Branch	1
Branch Senior Vice President / National Conference Delegate	Branch	1
Branch Vice President (Woman) / National Conference Delegate	Branch	1
Branch Secretary/ First National Executive Representative *	Branch	1
Deputy Branch Secretary/ Second National Executive Representative *	Branch	1
Assistant Branch Secretary/ National Conference Delegate**	Branch	2
Branch Executive Member (Youth) ***	Branch	1
Provisional Branch Executive Member (Tasmania) ****	Branch (<i>usually employed and residing in Tasmania</i>)	2

* At least one woman must hold an office of Branch Secretary or Deputy Branch Secretary under Branch Rule 20C a.

** At least two women must hold the office of Branch Secretary, Deputy Branch Secretary and Assistant Branch Secretary under Branch Rule 20C a.

*** Nominees for this position must be below the age of 30 years on the day on which nominations close under Branch Rule 5 (e).

**** Nominations are called for this position in accordance with Branch Rule 5 (c) ii. which states in part that "Financial Members elected as Branch Executive Member (Tasmania) are only elected to an office and will only become members of Branch Executive in the event that, at the declaration of the election, the number of Tasmanian members elected to the offices on Branch Executive, set out at sub-rule 5 b., does not equal or exceed the number required by the relevant provision of sub-rule 5 c."

Branch Executive – Industry Divisions

Office	Electorate	Number of Offices
Branch Executive Member - Local Authorities	Local Authorities Industry Division	8 (4 of whom shall be women)
Branch Executive Member - Social and Community Services	Social and Community Services Industry Division	3 (2 of whom shall be women)
Branch Executive Member – Water and Energy	Water and Energy Industry Division	2 (1 of whom shall be women)
Branch Executive Member – Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines	Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines Industry Division	1

Branch Conference – Industry Divisions

Office	Electorate	Number of Offices
Branch Conference Delegate - Local Authorities	Local Authorities Industry Division	32 (16 of whom shall be women)
Branch Conference Delegate - Social and Community Services	Social and Community Services Industry Division	12 (6 of whom shall be women)
Branch Conference Delegate - Water and Energy	Water and Energy Industry Division	6 (3 of whom shall be women)

Branch Conference Delegate – Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines	Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines Industry Division	4 (2 of whom shall be women)
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National Executive

Office	Electorate	Number of Offices
National Executive Representative	Branch	1
Alternate National Executive Representative	Branch	1

National Conference – Industry Divisions

Office	Electorate	Number of Offices
National Conference Delegate - Local Authorities	Local Authorities Industry Division	2 (1 of whom shall be women)
National Conference Delegate - Social and Community Services	Social and Community Services Industry Division	2 (1 of whom shall be women)
National Conference Delegate - Water and Energy	Water and Energy Industry Division	2 (1 of whom shall be women)
National Conference Delegate - Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines	Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines Industry Division	2 (1 of whom shall be women)
National Conference Delegate - Remainder	Branch	6
Alternate National Conference Delegate - Local Authorities	Local Authorities Industry Division	2 (1 of whom shall be women)
Alternate National Conference Delegate - Social and Community Services	Social and Community Services Industry Division	2 (1 of whom shall be women)
Alternate National Conference Delegate - Water and Energy	Water and Energy Industry Division	2 (1 of whom shall be women)

Alternate National Conference Delegate - Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines	Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines Industry Division	2 (1 of whom shall be women)
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2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4pm.
4. The name, and the phone number, of the Returning Officer conducting the Victorian and Tasmanian Authorities and Services Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:
[xxx].
9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.
10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [insert].

Branch Returning Officer

Australian Municipal, Administrative, Clerical and Services Union
Western Australian Branch

ELECTION NOTICE - E2023/35

Scheduled Election

Fair Work (Registered Organisations) Act 2009

NOTICE OF OPENING OF NOMINATION - BRANCH

1. The offices for which an election is to occur, are:

Branch Executive Committee

Office	Electorate	Number of Offices
Branch President/First National Executive Representative	Branch	1
Deputy Branch President	Branch	1
Branch Secretary/ Second National Executive Representative	Branch	1
Branch Treasurer	Branch	1
Branch Vice President (Women)	Branch (Women)	1
Assistant Branch Secretary/First National Conference Representative	Branch	1

National Conference

Office	Electorate	Number of Offices
National Conference Delegate	Branch	6

Branch Executive Council

Office	Electorate	Number of Offices
Branch Executive Councillor - Administrative, Clerical and Customer Services Division	Relevant Branch Industry Division	1

Branch Executive Councillor - ASU Municipal Employees Division	Relevant Branch Industry Division	2
Branch Executive Councillor - Energy/Information Technology Division	Relevant Branch Industry Division	2
Branch Executive Councillor - Local Government Division	Relevant Branch Industry Division	3
Branch Executive Councillor - Transport Division	Relevant Branch Industry Division	1
Branch Executive Councillor - Social and Community Services Division	Relevant Branch Industry Division	3
Branch Executive Councillor (Women)	Branch	per Branch rule 19

** In the event that the number of women members elected in this election does not achieve the requirement of Rule 19, a separate election will be conducted to elect the required number of Branch Executive Councillor (Women) in accordance with the formula outlined in Rule 19.*

2. The opening date of nominations is Wednesday 3 May 2023.
3. The closing date, and time, for nominations is Wednesday 24 May 2023 at 4 pm.
4. The name, and the phone number, of the Returning Officer conducting the Western Australian Branch election is [name] and their phone number is [number].
5. The Returning Officer's business address for the receipt of nominations is:
[xxx].
6. Returning Officer's postal address for the receipt of nominations is:
[xxx].
7. Returning Officer's email address for the receipt of nominations is:
[xxx].
8. Returning Officer's secure electronic site for the receipt of nominations is:
[xxx].
9. A completed nomination form need only be returned to the Returning Officer by one of the means provided above.

10. Individual and Team nomination forms are available from the Returning Officer, the website of the AEC (www.aec.gov.au), the website of the Union (www.asu.asn.au) and the Branch Website [[insert](#)].

Branch Returning Officer

DRAFT



Reference: ANBFB 2023/3635

Mr Robert Potter
National Secretary
Australian Municipal, Administrative, Clerical and Services Union
116 Queensberry Street
CARLTON SOUTH VIC 3053

Dear Mr Potter,

**Australian Municipal, Administrative, Clerical and Services Union
Scheduled Election
E2023/35**

The Registered Organisations Commission has made arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009 (the Act)* to conduct the above election.

The AEC proposes the timetable below for the election. Please respond by return email should you have any concerns with the timetable.

Date	Stage 1
03/04/2023	Close of Roll
04/05/2023	List of eligible members to be delivered to the AEC
03/05/2023	The AEC publishes the Election Notice via AEC Website
03/05/2023	The Organisation publishes the Election Notices via ASU Website, Branch Website(s), ASU Journal (if any), respective Branch Journals (if any) and in respective Branch newsletter/communication.
03/05/2023	Nominations open
24/05/2023	Nominations close at 4:00pm Australian Eastern Standard Time (AEST)
24/05/2023	Nominations Withdrawal closes at 4:00pm Australian Eastern Standard Time (AEST)
	If a ballot is required
21/06/2023	Postal ballot opens
19/07/2023	Postal ballot closes at 10:00am Australian Eastern Standard Time (AEST)
Date	Stage 2 (if a ballot is required for Stage 1)
26/07/2023	List of eligible members to be delivered to the AEC
02/08/2023	Nominations open
23/08/2023	Nominations close at 4:00pm Australian Eastern Standard Time (AEST)
23/08/2023	Nominations close at 4:00pm Australian Eastern Standard Time (AEST)
	If a ballot is required
20/09/2023	Postal ballot opens
18/10/2023	Postal ballot closes at 10:00am Australian Eastern Daylight Time (AEDT)

I will contact you again to reset stage 2 dates if a ballot is **not** required for Stage 1.

Privacy

Commonwealth guidelines provide that classified information, including personal information, should not be transmitted by email. The AEC requires that data files are transmitted via a secure portal, and we have staff on hand to assist you and your staff with the upload, should that be necessary. Further information is provided at **Attachment A**.

The Act provides that the AEC must allow access to members to view/copy the Roll of Voters, and the AEC may provide the Roll of Voters electronically.

The AEC has a number of safeguards regarding the provision of Roll data, and I invite you to contact me if you would like further information on those safeguards.

Other Legislative Provisions

I wish to draw your attention to the following:

- Regulation 145 provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Maximum penalty: 100 penalty units.

The AEC would ask that you take the time during or after the event to provide us with any comments you have on the AEC's performance in conducting this event. We are committed to continuous evaluation and improvement and your comments are important to enable us to do this.

If you have any questions, do not hesitate to contact me at iebevents@aec.gov.au, on 02 9375 6366 or 03 9285 7111.

Please note, there are a number of items on the following pages that require your action.

Yours sincerely,
Ann Dougan
Returning Officer
Australian Electoral Commission
2/05/2023

Attachment A

Request to supply Register of Members

You are requested to submit data and documents electronically via the AEC Electoral Event Portal, available here: (www.aec.gov.au/ieb) as an Excel file. The AEC has already provided you with portal registration using your email address.

On accessing the Portal for the first time, use the Forgot Your Password option to set a password for yourself.

If another staff member will be uploading the data file, please provide their name and email address and we will provide them access.

The AEC has staff on hand to assist you with your enquiries, including with the AEC's secure portal.

Please call either 02 9375 6366 or 03 9285 7111 for assistance, referencing the election number. Alternatively, you may use the [Contact Us](#) facility from the AEC website.

Lists should not be emailed as Commonwealth Guidelines provide that classified information, including personal information, **should not be transmitted by email. **

The Roll of Voters for the above election will be: Members who are financial as at 03/04/2023.

Column	Details
A	Member number
B	Family name
C	Given Names
D	Gender (if Applicable)
E	Date of birth
F	Email
G	Address line 1 (BUILDING NAME AND UNIT/FLAT/TOWNHOUSE NUMBER)
H	Address Line 2 (STREET ADDRESS OR PO BOX)
I	SUBURB (in Block Letters)
J	STATE (VIC, NSW, etc.)
K	POSTCODE
L	COUNTRY (IF OUTSIDE AUSTRALIA ONLY)
M	Electorate code: For each member listed, include a field identifying the relevant Electorate and provide an explanatory table for the codes. (Branch, Division, Sub-Division etc) *please allow for a column each for relevant sub-branch/division. *
N	Incorrect last known address (If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "Yes" in this field.)

-
- O Workplace addresses (If you have eligible members with only a workplace address, you should code those members as "Y" or "Yes" in this field – otherwise, leave the field blank.)
-

! Lists of members contain personal information and can also contain sensitive information. Protection of personal and sensitive information is important to the AEC. Always use the AEC secure portal when sending your list of members.

Supplementary lists:

PLEASE NOTE: any deletions, additions or electorate changes MUST be updates to the roll as at 03/04/2023 Stage 1. Updates which occur after this date cannot be accepted, and so should not be provided, except where they are changes relating to changed name, address or other personal details.

Listing	Date Required
(a) Update(s) listing members who: <ul style="list-style-type: none"> I. were inadvertently included on a listing. II. were inadvertently omitted from a listing who are eligible. III. have changed name, address or any other personal details. IV. have changed electorate/s 	Stage 1: 25/05/2023 Stage 2: 24/08/2023
The names of members appearing on a listing who have ceased to be members by Date the Ballot Opens	The day before the Ballot opens.
Any change of address details for members appearing on listing (a) and not provided on the Day after nominations Close	Stage 1: 12/06/2023 Stage 2: 11/09/2023

Attachment B

To the Returning Officer

Re: The data file provided for election: E2023/35

I, <Insert name>, on behalf of **the ASU (Division)**, pursuant to Section 230(2) of the *Fair Work (Registered Organisations) Act 2009*, declare that the list of members provided for this election includes information that is complete, up to date and accurate.

I also advise that the list has been provided via the AEC's secure portal, in the format required by the AEC.

The number of members provided on the list is <insert number>.

This is a revised list of members: Yes/No (strike out as appropriate)

<Insert signature>

<insert name>

<Insert date>

<insert contact phone number>

<insert email address>

This declaration can be signed electronically but must be uploaded to the AEC's secure portal along with the list of members. The document should be entitled **E2023/35 – ASU (Division) – Declaration of Accuracy**.

Reference: ANBFB 2023/3635

Mr Robert Potter
 National Secretary
 Australian Municipal, Administrative, Clerical and Services Union
 116 Queensberry Street
 CARLTON SOUTH VIC 3053

Dear Mr Potter,

**Australian Municipal, Administrative, Clerical and Services Union
 Scheduled Election
 E2023/35**

The Fair Work Commission has made arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009 (the Act)* to conduct the above election.

The AEC proposes the timetable below for the election. Please respond by return email should you have any concerns with the timetable.

Date	Stage 1
03/04/2023	Close of Roll
04/05/2023	List of eligible members to be delivered to the AEC
03/05/2023	The AEC publishes the Election Notice via the AEC Website
03/05/2023	The Organisation publishes the Election Notices via ASU Website, Branch Website(s), ASU Journal (if any), respective Branch Journals (if any) and in respective Branch newsletter/communication.
03/05/2023	Nominations open
24/05/2023	Nominations close at 4:00pm Australian Eastern Standard Time (AEST)
31/05/2023	Nominations Withdrawal closes at 4:00pm Australian Eastern Standard Time (AEST)
5/06/2023	For Offices where no ballot is required – Declaration
	If a ballot is required
21/06/2023	Postal ballot opens
19/07/2023	Postal ballot closes at 10:00am Australian Eastern Standard Time (AEST)
5/08/2023	Declaration
Date	Stage 2 (if a ballot is required for Stage 1)
26/07/2023	List of eligible members to be delivered to the AEC
02/08/2023	Nominations open
23/08/2023	Nominations close at 4:00pm Australian Eastern Standard Time (AEST)
23/08/2023	Nominations close at 4:00pm Australian Eastern Standard Time (AEST)
	If a ballot is required
20/09/2023	Postal ballot opens
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- I will contact you again to reset stage 2 dates if a ballot is **not** required for Stage 1.

Privacy

Commonwealth guidelines provide that classified information, including personal information, should not be transmitted by email. The AEC requires that data files are transmitted via a secure portal, and we have staff on hand to assist you and your staff with the upload, should that be necessary. Further information is provided at **Attachment A**.

The Act provides that the AEC must allow access to members to view/copy the Roll of Voters.

The AEC has a number of safeguards regarding the provision of Roll data, and I invite you to contact me if you would like further information on those safeguards.

Other Legislative Provisions

I wish to draw your attention to the following:

- Regulation 145 provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Maximum penalty: 100 penalty units.

The AEC would ask that you take the time during or after the event to provide us with any comments you have on the AEC's performance in conducting this event. We are committed to continuous evaluation and improvement and your comments are important to enable us to do this.

If you have any questions, do not hesitate to contact me at iebevents@aec.gov.au, on 02 9375 6366 or 03 9285 7111.

Please note, there are a number of items on the following pages that require your action.

Yours sincerely,
Ann Dougan
Returning Officer
Australian Electoral Commission
3/05/2023

Attachment A

Request to supply Register of Members

You are requested to submit data and documents electronically via the AEC Electoral Event Portal, available here: (www.aec.gov.au/ieb) as an Excel file. The AEC has already provided you with portal registration using your email address.

On accessing the Portal for the first time, use the Forgot Your Password option to set a password for yourself.

If another staff member will be uploading the data file, please provide their name and email address and we will provide them access.

The AEC has staff on hand to assist you with your enquiries, including with the AEC's secure portal.

Please call either 02 9375 6366 or 03 9285 7111 for assistance, referencing the election number. Alternatively, you may use the [Contact Us](#) facility from the AEC website.

Lists should not be emailed as Commonwealth Guidelines provide that classified information, including personal information, **should not be transmitted by email. **

The Roll of Voters for the above election will be: Members who are financial as at 03/04/2023.

Column	Details
A	Member number
B	Family name
C	Given Names
D	Gender (if Applicable)
E	Date of birth (if Applicable)
F	Address line 1 (BUILDING NAME AND UNIT/FLAT/TOWNHOUSE NUMBER)
G	Address Line 2 (STREET ADDRESS OR PO BOX)
H	SUBURB (in Block Letters)
I	STATE (VIC, NSW, etc.)
J	POSTCODE
K	COUNTRY (IF OUTSIDE AUSTRALIA ONLY)
L	Electorate code: For each member listed, include a field identifying the relevant Electorate/s and provide an explanatory table for the codes. (Branch, Division, Sub-Division and Specialty Electorates) *please allow for a column for each relevant electorate. *
N	Incorrect last known address (If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "Yes" in this field.)
O	Workplace addresses (If you have eligible members with only a workplace address, you should code those members as "Y" or "Yes" in this field – otherwise, leave the field blank.)



Lists of members contain personal information and can also contain sensitive information. Protection of personal and sensitive information is important to the AEC. Always use the AEC secure portal when sending your list of members.

Supplementary lists:

PLEASE NOTE: any deletions, additions or electorate changes MUST be updates to the roll as at 03/04/2023 Stage 1. Updates which occur after this date cannot be accepted, and so should not be provided, except where they are changes relating to changed name, address or other personal details.

Listing	Date Required
(a) Update(s) listing members who: I. were inadvertently included on a listing. II. were inadvertently omitted from a listing who are eligible. III. have changed name, address or any other personal details. IV. have changed electorate/s	Stage 1: 25/05/2023 Stage 2: 24/08/2023
The names of members appearing on a listing who have ceased to be members by Date the Ballot Opens	The day before the Ballot opens.
Any change of address details for members appearing on listing (a) and not provided on the Day after nominations Close	Stage 1: 12/06/2023 Stage 2: 11/09/2023

Attachment B

To the Returning Officer

Re: The data file provided for election: E2023/35

I, <Insert name>, on behalf of the **ASU (Division)**, pursuant to Section 230(2) of the *Fair Work (Registered Organisations) Act 2009*, declare that the list of members provided for this election includes information that is complete, up to date and accurate.

I also advise that the list has been provided via the AEC's secure portal, in the format required by the AEC.

The number of members provided on the list is <insert number>.

This is a revised list of members: Yes/No (strike out as appropriate)

<Insert signature>

<insert name>

<Insert date>

<insert contact phone number>

<insert email address>

This declaration can be signed electronically but must be uploaded to the AEC's secure portal along with the list of members. The document should be entitled **E2023/35 – ASU (Division) – Declaration of Accuracy**.

From: [IEB Events](#)
To: [John Nucifora](#)
Cc: [Ben Murray](#); [Ann Dougan](#)
Subject: E2023/35 - Australian Municipal, Administrative, Clerical and Services Union (ASU) [SEC=OFFICIAL]
Date: Thursday, 4 May 2023 9:36:56 AM
Attachments: [image003.gif](#)
[image004.gif](#)

Good morning John,

Thank you for your time on the phone last evening. I thought I would update you on our plans for today to work through any final amendments to the documents.

I have asked Ben and Ann to provide me with the full suite of documents and suggested alterations and have assembled a team of staff to work through these today as a priority. I intend to come back to you in with the final documents, where changes were required, in one final email. I will also confirm for you that any changed documents have been uploaded to the AEC's website. I am hoping that this makes processes on your end and ours more streamlined.

For information, Ann is conducting interviews for new staff today and is therefore offline, so Ben and I will be co-ordinate the activities to bring this to a conclusion.

I also understand there was some concern about the AEC's requirement to provide a copy of the Roll of Voters to members and at your convenience, I would like to ask if you could email through those concerns so we can work together to address your concerns as there is a requirement for the AEC to make the Roll available for physical inspection from the day after the close of rolls. There have not been any requests at this stage to inspect the Roll of Voters and it is actually quite rare for members to request to physically inspect the Roll but nevertheless I think it would be good for us to work this through fairly soon.

Thanks again.

Regards,

Kaye

Kaye Bartlett | Director Operations

Industrial Elections and Ballots | Service Design and Foundations Branch

Australian Electoral Commission

T: (03) 9285 7142 **X:** 23139 **M:** 0434 326 329

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File/Our Ref: UG 12.5 RP:db
Your Ref: ANBFB 2023/3635



Friday 5 May 2023

Mr Benjamin Murray
Assistant Director
Industrial Elections and Ballots
Service Design and Foundations Branch
Australian Electoral Commission

By Email: iebevents@aec.gov.au

Dear Mr Murray

Re: Australian Municipal, Administrative, Clerical and Services Union Scheduled Election E2023/35

I refer to the discussion between yourself and Mr Payne, who acts on behalf of the ASU, that occurred on May 3.

As Mr Payne undertook to do, I now respond to the two (2) matters that were discussed.

Inclusions in the Rolls

1. The AEC planning letter for E2023/35 issued at 1.38pm on 3 May 2023 contains directions in relation to the rolls to be prepared by the ASU Branches for the purposes of the election.
2. The directions are set out in annexure A attached to the letter and for, the purposes of this correspondence, relevantly contains items:
 - (a) *'N Incorrect last known address (If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "yes" in this field.)'*
 - (b) *'O Workplace addresses (If you have eligible members with only a workplace address, you should code those members as "Y" of "Yes" in this field – otherwise, leave the field blank.)'*
3. Section 193 (1) FWROA provides:

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
 - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules;
or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.

(Emphasis added)

4. The principal obligation of the AEC electoral official (**EO**) is to conduct the election under the rules of the respective organisation.
5. Consequently, the first step is to consider the ASU's rules and to then consider whether anything arises that may give rise to an irregularity and enliven the obligation under subsection 193 (1) (b).
6. FWROR section 131 (2) provides;

131 Preparation and inspection of voter rolls (s 182)

[...]

(2) *The roll of voters for the election must:*

(a) *be prepared at the direction of an electoral official; and*

(b) *set out opposite the name of each person on the roll the postal address of that person;*
and

(c) *be closed within the time specified in the rules of the organisation.*

(Emphasis added)

7. Section 191 FWROA provides:

191 Organisation to provide returning officer with copy of register

(1) A person (the **returning officer**) conducting an election under this Part for an office or other position in an organisation, or branch of an organisation, may give a written request to an officer or employee of the organisation or branch to make available the register of members, or part of the register, kept by the organisation under section 230, to the returning officer for the purposes of the ballot.

(2) An officer or employee of the organisation or branch commits an offence if he or she fails to comply with a request under subsection (1).

Penalty: 30 penalty units.

(3) Subsection (2) does not apply if the officer or employee complied with the request as promptly as he or she was capable.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (3).

(4) An offence against subsection (2) is an offence of strict liability.

*Note: For **strict liability**, see section 6.1 of the Criminal Code.*

(5) If the register, or the relevant part of the register, is kept in electronic form, the returning officer may require the register to be made available in that form.

(6) A request under subsection (1) must specify the period within which the register must be made available. The period must not be less than 7 days after the request is given.

(emphasis added)

8. Section 192 FWROA provides:

192 Declaration by secretary etc. of organisation

(1) If:

- (a) a returning officer makes a request under section 191 in relation to the organisation's register; and
 - (b) the returning officer gives written notice of the request to the secretary or other prescribed officer of the organisation or branch concerned;
- the secretary or other prescribed officer of the organisation must make a declaration, in accordance with subsection (2), that the register has been maintained as required by subsection 230(2).

Civil penalty: 100 penalty units.

(2) The declaration must be:

- (a) signed by the person making it; and
- (b) given to the returning officer, and lodged with the FWC, as soon as practicable but no later than the day before the first day of voting in the relevant election.

(3) A person must not, in a declaration for the purposes of subsection (1), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

(Emphasis added)

9. Consequently, the electoral official is entitled to request that:

- (a) the register or part of the register be made available; and/or
- (b) a roll containing the name and residential addresses of members who will participate in a respective election be prepared.

10. The present request is for the register.

11. ASU rule 28 relevantly provides for its register:

28 - REGISTER OF MEMBERS

A register of the names and, so far as disclosed, the residential or private postal addresses of members of each Branch of the Union [...]

12. ASU rule 29 mandates that a member must report in writing a, relevantly, change of residential address:

29 - CHANGE OF ADDRESS

Any member changing place of employment or residence or terminating employment shall report in writing the new place of employment or residence or termination to the Branch Secretary within fourteen days of effecting such change.

(emphasis added)

13. Further Branch Secretaries are obliged by ASU rule 30 to purge the register.

14. The effect of these rules is that a Branch Register is confined to residential and private addresses of members of the respective Branch, and that absent a notification of change (of address) provides for the addresses of members for the purposes of preparing a roll.

15. section 141 (b) (xiii) FWROA requires:

141 Rules of organisations

- (1) *The rules of an organisation:*

[...]

- (b) *must provide for:*

[...]

(xii) *the keeping of a register of the members, arranged, where there are branches of the organisation, according to branches;*

16. section 230 FWROA provides:

230 Records to be kept and lodged by organisations

- (1) *An organisation must keep the following records:*

(a) *a register of its members, showing the name and postal address of each member and showing whether the member became a member under an agreement entered into under rules made under subsection 151(1);*

(b) *a list of the offices in the organisation and each branch of the organisation;*

(c) *a list of the names, postal addresses and occupations of the persons holding the offices;*

(d) *such other records as are prescribed.*

Civil penalty: 60 penalty units.

- (2) *An organisation must:*

(a) *enter in the register of its members the name and postal address of each person who becomes a member, within 28 days after the person becomes a member;*

(b) *remove from that register the name and postal address of each person who ceases to be a member under section 171A, or under the rules of the organisation, within 28 days after the person ceases to be a member; and*

(c) *enter in that register any change in the particulars shown on the register, within 28 days after the matters necessitating the change become known to the organisation.*

Note: An organisation may also be required to make alterations to the register of its members under other provisions of this Act (see, for example, sections 170 and 172).

Civil penalty: 60 penalty units.

(Emphasis added)

17. The ASU Register, inclusive of the Branch Registers, are arranged in conformity with section 230.

18. Further, and where applicable to a respective Branch, attributes are able to be provided as an implied requirement arising from the existence within that Branch of specialty electorates i.e. gender-based offices. This information, whilst not part of the register, is able to be provided by utilising a Branches information systems kept as part of the record¹ of each member.

19. Pursuant to the ASU's privacy policy, the *Privacy Act 1988* (Cth) and the Australian Privacy Principles, information collected by the ASU may only be disclosed for the purpose for which it was collected. Information may be disclosed for another purpose if an exception applies. Those exceptions are:

- (a) the individual has consented;

¹ But, as there can be no doubt, does not form part of the register.

- (b) the individual would reasonably expect the information disclosed for a purpose that is related to the primary purpose;
 - (c) the law requires;
 - (d) ‘permitted general situations’ – which include things like threat to life, health or safety and taking appropriate action in relation to serious misconduct.
20. The members have not consented. Further, besides the difficulty in identifying for what purpose incorrect personal information (such as that requested in N) could be collected, we do not believe our members would reasonably expect the information requested at N and O to be disclosed in these circumstances. This is because it is not required for the conduct of Union elections, nor is it required under any statute that the AEC has been able to identify. The request also does not fall under one of the permitted general situations.
 21. The ASU is required by the FWROA to perform its rules – see for example section 164 FWROA in relation to members rights.
 22. For the reason set out above the ASU as a union (inclusive of its Branches) does not, and cannot, adjust its membership on the basis of return mail. It does not maintain such information as part of its formal records and it is not a component of the Membership Register. Further, and so there can be no doubt, no reliance could be placed on such information in any event as a reason for return cannot be interrogated – see also ASU rule 71 m. and n..
 23. In relation to the request for work addresses that is not part of the register and cannot be produced for the reasons set out above, particularly those relating to privacy concerns.
 24. Section 192 FWROA provides:

192 Declaration by secretary etc. of organisation

(1) If:

(a) a returning officer makes a request under section 191 in relation to the organisation’s register; and

(b) the returning officer gives written notice of the request to the secretary or other prescribed officer of the organisation or branch concerned;

the secretary or other prescribed officer of the organisation must make a declaration, in accordance with subsection (2), that the register has been maintained as required by subsection 230(2).

Civil penalty: 100 penalty units.

(2) The declaration must be:

(a) signed by the person making it; and

(b) given to the returning officer, and lodged with the FWC, as soon as practicable but no later than the day before the first day of voting in the relevant election.

(3) A person must not, in a declaration for the purposes of subsection (1), make a statement if the person knows, or is reckless as to whether, the statement is false or misleading.

Civil penalty: 100 penalty units.

25. Such declarations must accord with the requirements of section 230 FWROA (see above) – see also ASU rule 71 f. and 71 o..
26. In the circumstances the ASU (inclusive of its Branches) cannot comply with the request set out in items N and O – see also ASU rule 71 e..

27. The ASU accepts that the AEC is obliged to avoid irregularity. It will consider a request made by the EO for the provision of information that is designed to deal with the prevention of an irregularity, albeit the Union would greatly appreciate the nature of that potential irregularity, that is required to be prevented, being identified see ASU rule 71 d.. If there is an appropriate basis that would of course go to the issue of satisfying privacy concerns relating to supply.²
28. The ASU requests that the AEC confirm in writing that there is no requirement to provide the information in N or O.

Team Nominations

29. As you are aware the ASU rules provide for Team Nominations.
30. Rule 68 relevantly provides:

68 - TEAM NOMINATIONS

[...]

- h. A Team Nomination must only nominate:*
- i. an Eligible Member, entitled when nominated to hold the office, for an office to be held by a single member; and*
 - ii. the required number of Eligible Members, entitled when nominated to hold the office, where an office is to be held by multiple members,*

for each office for which nominations have been called in the election, following which each Eligible Member concerned has nominated for the respective office concerned.

- i. A Team Nomination must be:*
 - i. in writing; and*
 - ii. signed by each candidate.*

[...]

31. As the AEC is aware this will result in a document of significant size.
32. It is not practical, given the geography of the Branches with a number of the Branches extending beyond the borders of a single State, for 'one' document to be completed and executed by each candidate.
33. The practice in the past, which is accommodated by the language of the rules, is for multiple documents to be completed to form the Team Nomination and then lodged together as a compilation with the AEC.
34. We acknowledge that you have advised Mr Payne that such a course is satisfactory. In doing so you made clear, however, that the nomination (as a compilation) must be lodged at one time and you referred to 'as one email'.
35. Firstly, the ASU appreciates that acknowledgement, but secondly notes the following two (2) practical matters:
- (a) on the team nomination form 'Note 2' states:
 - 'in order to be able to be received by the AEC, email (including attachments) should be no greater than 6MB in size'; and*
 - (b) the ASU has been advised that the 'portal' cannot, for technical reasons, be utilised for team nominations.

² This entitlement extends to a particular election i.e. for a sub-part of a Branch or a discrete office.

36. The obvious concern of the ASU is if a compiled team nomination exceeds 6MB, how is it to be filed?
37. Consequently, I would appreciate your urgent advice as to the AEC solution to this issue given this is a technical issue entirely under the control of the AEC.
38. Further some candidates, particularly those without access to scanning equipment, will be signing their nominations by electronic means i.e., by applying an electronic facsimile of their signature.
39. I would request your advice by return, if you require further submissions in relation to this issue, as it is the view of the ASU that that conduct conforms with the rules, particularly noting that nominations can be lodged electronically and there can be no actual assessment of 'wet' signatures.

Please do not hesitate to contact either myself (0448 203 392), Mr John Nucifora (0419 595 417) or Mr Payne (0411 698 398) in relation to these matters should you have any issues that need to be resolved.

In that regard I am directed by the National Executive to make clear that the ASU is committed to the democratic electoral processes and will provide every assistance to assure that process.

Yours faithfully



Robert Potter
National Secretary



By your side

Monday 15 May 2023

Mr Benjamin Murray
Assistant Director
Industrial Elections and Ballots Service Design and Foundations Branch
Australian Electoral Commission

By email: iebevents@aec.gov.au

Dear Mr Murray

Re: Australian Municipal, Administrative, Clerical and Services Union scheduled election E2023/35

I refer to your letter of 10 May in response to mine of 5 May 2023.

I note that you maintain that you can request incorrect last known address (Item N) and indication of workplace addresses for members who only have a workplace address (Item O). As I pointed out in my letter to you of 5 May your powers are limited to those provided in the *Fair Work Register Organisations Act*.

The FWRO Regulations provide that the roll of voters must contain the name of each person on the role and the postal address of that person. Section 191 of the FWRO Act provides that you may give a written request to an officer or employee of an organisation to make available a register of members or part of a register.

Under s.191(2) it is an offence to fail to comply with that request.

As I pointed out in my letter of 5 May you can only require production of the register or part of the register and/or a roll containing the name and residential address of members. You have stated in your letter of 10 May that the AEC is required to include certain matters in its post-election report. Items N and O in your request are directed at the post-election report. However nowhere in the FWRO Act is the AEC empowered to require the production of such information under pain of a criminal penalty.

I referred in my letter of 5 May 2023 to s.193 and the ability of the returning officer to give directions to ensure that no irregularities occur or to remedy any procedural defects etc. I note that you do not seek to rely on that section in respect of the request for the items in Items N and O, nor is it readily apparent how such reliance could be placed in any event.

Section 197 really only operates after an election has been completed. Under it the report must be prepared, and the AEC must include in the report the matters set out in ss.(3) if it forms that view. Section 197 has no work to do at this stage of an election in any event.

Insofar as the question of privacy is concerned, I do not accept your analysis. The information you seek under items N and O is not directed at the conduct of the election.

Finally, it should be noted that the register does not contain the information that you seek in Items N and O.

Please confirm that you no longer require that information.

Yours faithfully



Robert Potter
National Secretary



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5 May 2023

Robert Potter
National Secretary
Australian Services Union

By Email: rpotter@asu.asn.au

Contact
John Payne
Principal
johnp@hallpayne.com.au

Raiah Collins
Legal Assistant
Phone: 07 3017 2407
RaiahC@hallpayne.com.au

Our Ref: JWP:4230130
Your Ref:

Dear Rob

Re: Quadrennial Election 2023

We refer to the above matter and to the correspondence you have received from the Vic-Tas Branch Secretary, where Ms Darmanin raises the following issue:

'... I am concerned that just because the AEC is the cause of the delay or even that they say it is ok to put it on our branch websites or email later than 3 May does not mean that the failure to do so could not be the subject of review down the track.'

I would like to get advice to give me comfort that there is not any risk that:

- the aec only publishing the election materials very late in the day
- my branch not having published the election material on our website at all yesterday
- my branch not having emailed members with a link to the material yesterday

could be argued to be a defect or irregularity in the election giving rise to any review/inquiry down the track.

We advise:

1. Rule 65 a. provides that the Branch quadrennial elections are to commence on 3 May:
Nominations for Branch Offices, of a respective Branch, open on the first Wednesday in May in the year of a Quadrennial Election.
2. Rule 65 b. provides:
A notice, calling for nominations in the Quadrennial Election for a Branch, is to be placed:
 - i. on the ASU Website;
 - ii. on the respective Branch Website;
 - iii. in an ASU journal (if any);
 - iv. in a respective Branch journal (if any); and
 - v. in a respective Branch newsletter/communication.
3. We are instructed that the notices required to be published on the respective Branch Website (severably the **Notices**) (see rule 65 h.) were not provided in a timely way by the AEC Electoral

Official (EO) and were received by the ASU after the close of business of the Branches on 3 May.

4. Despite the late receipt of the Notices the Notices were relevantly posted to the ASU National Website, albeit late in the evening.
5. The following questions arise:
 - (a) what is the effect of rule 65 a.;
 - (b) has a breach of rule 65 a. occurred;
 - (c) has a breach of rule 65 occurred;
 - (d) has a breach of another rule or the FWROA occurred; and
 - (e) has an irregularity arisen.
6. We acknowledge that as a matter of preference the ASU would publish the election notices required by rule 65 on, or before, 3 May.
7. Rule 65 a. does not, however, mandate that the notice must be placed on the date that nominations open or on any 'particular' date. That is a 'date' that can be calculated in some way as a particular ascertainable time.
8. Rule 65 does not 'tie' the requirement to provide notice (see 65 b.) to rule 65 a..
9. If rule 65 is read as a whole, it can be seen that the ASU has expressly linked a number of sub-rules in rules 65 e.g. sub rule f. is linked to sub rule e..
10. If the ASU had intended to require the notice to be provided at a particular time referable to sub-rule a., it would have done so by making that proposition express e.g:

'... A notice, calling for nominations in the Quadrennial Election for a Branch, is to be placed on the day of the opening of nominations under sub-rule a.

it did not do so.
11. Section 143(1)(b) FWROA provides:

143 Rules to provide for elections for offices

(1) *The rules of an organisation:*

[...]

(b) *must provide for the conduct of every such election (including the acceptance or rejection of nominations) by a returning officer who is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation;*

[...]
12. It is not a requirement of the FWROA nor the FWROR for the rules of an organisation to stipulate the date on which notice of the opening of nominations must be given.
13. This proposition should also be seen in the context of the rules. The rules themselves set the time for the opening of nominations – that is the primary notice to be given is the notice given by the rules themselves. Members are, as part of the membership compact, taken to be aware of the rules, particularly those who wish to participate in an electoral process.
14. Rule 65 does not provide a time for the provision of the Notices. The consequence of this, is that there is no particular time that the Notice is to be placed on a respective Branch website.
15. Rule 65 g. requires the EO to cause the branch notice to be placed. A respective Branch will only be able to place the notice if the EO provides the notice and makes the request.

16. Any delay that has occurred has not occurred as a consequence of the conduct of the ASU or any of its branches. It is directly a result of the conduct of the EO. However as Ms Darmanin properly asserts, that may not be to the point in reviewing the conduct of the election and considering whether an irregularity has arisen.
17. The obligation of the Branches is, following receipt of a notice from the EO (for a respective Branch) with a request to provide notice by the means under rule 65 b., the Branch should deal with that request in a timely way and in doing so its conduct will be compliant.
18. We understand our instructions are that that has occurred, albeit there has been some issue with accuracy of the Notices.
19. There is significant law in relation to 'irregularity' which is dealt with in part three of chapter 7 of the FWROA see particularly section 200 FWROA:

200 Application for inquiry

When member of organisation may apply for inquiry

(1) If a person who is, or within the preceding period of 12 months has been, a member of an organisation claims that there has been an irregularity in relation to an election for an office in the organisation or a branch of the organisation, the person may make an application for an inquiry by the Federal Court into the matter.

*Note: For the meaning of **irregularity**, see section 6.*

When Electoral Commissioner must apply for an inquiry

(2) If the Electoral Commissioner believes that the result of an election for an office has been affected by an irregularity in relation to the election, the Electoral Commissioner must make an application for an inquiry by the Federal Court into the matter.

When Electoral Commissioner may apply for an inquiry

(3) If the Electoral Commissioner believes that there has been an irregularity in relation to an election for an office, the Electoral Commissioner may make an application for an inquiry by the Federal Court into the matter.

Note: This section relates only to elections for office. It does not apply to elections for positions other than offices (which can also be conducted under Part 2).

20. The definition of the regularity is in section 6:
irregularity, in relation to an election or ballot, includes:
 - (a) a breach of the rules of an organisation or branch of an organisation; and
 - (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting; is, or is attempted to be, prevented or hindered; and
 - (c) a contravention of section 190.
21. We do not consider, in so far as paragraphs (a) and (c) are concerned, that:
 - (a) there is a breach of rule; nor
 - (b) section 190.

22. In so far as paragraph (b) is concerned, the short period of time, in relation to the notice being placed following the commencement of the opening of nominations will not, in the circumstances where there is no mandated requirement for the notice to be published at a particular time and where publication did in fact occur by one of the means required, give rise to a circumstance under sub rule (b).
23. In *Re Federated Liquor and Allied Industries Employees' Union of Australia; Ex parte Huxtable* (1979) 40 FLR 418, (which has since been cited with approval by Flick J in *Application of the Electoral Commissioner* (2014) 226 FCR 144) Northrop J considered the meaning of the word irregularity in the context of organisational elections and stated:
- 'This provision does not give a definitive meaning to the word 'irregular' but extends the meaning, if necessary, to include specific matters.'*
24. His Honour Mr Justice Flick in *Application of the Electoral Commissioner* (2014) 226 FCR 144 held the definition of 'irregularity' in the FWROA is not exhaustive and set out the decision of Northrop J:
- "**151 The issue remaining to be decided on the preliminary issue is whether the facts assumed for the purposes of submission are capable of constituting an irregularity within the meaning of that word when used in s 165 of the Act. The word 'irregularity' is defined in the Shorter Oxford Dictionary (23rd ed. 1972 reprint) as 'the quality or state of being irregular; something that is irregular'. In the same dictionary, the word 'irregular' is defined in relation to things as 'not in conformity with rule or principle, contrary to rule; disorderly in action or conduct, anomalous, abnormal'. In the Act, by s 4, except where otherwise clearly intended, the word 'irregularity' has the following meaning: "'Irregularity", in relation to an election or ballot, includes a breach of the rules of an organization or of a branch of an organization, and any act, omission or other means whereby the full and free recording of votes by all persons entitled to record votes, and by no other persons, or a correct ascertainment or declaration of the results of the voting is, or is attempted to be, prevented or hindered.'*
25. The conduct must be further considered and whether it amounts, outside the definition in the Act to an irregularity.
26. Examples of where an inquiry has considered conduct are:
- (a) producing misleading advertisements (*Re Amalgamated Metals Foundry and Shipwrights Union; Ex parte Adamson* (1984) 4 FCR 319);
 - (b) members nominated for office are unfinancial members (*Re Killesteyn; Re Australian Medical Officers' Federation, Queensland Branch* (2009) 193 IR 200);
 - (c) nomination received after the correct closing date for nominations, but before the date members had been erroneously notified of (*Application of the Electoral Commissioner* (2014) 226 FCR 144);
 - (d) nominations accepted by the returning officer despite non-adherence to the rules (*Electoral Commissioner, in the matter of an inquiry relating to elections for officers in the Australian Federal Police Association Branch of the Police Federation of Australia* [2016] FCA 469);
 - (e) failure to declare as elected the only candidate nominated (*Electoral Commissioner, in the matter of an inquiry relating to elections for officers in the Australian Federal Police Association Branch of the Police Federation of Australia* [2016] FCA 469);
 - (f) a ballot did not open or close in accordance with the correct date (*Electoral Commissioner, in the matter of an inquiry relating to elections for officers in the Australian Federal Police Association Branch of the Police Federation of Australia* [2016] FCA 469);

- (g) the returning officer did not forward ballots in accordance with the rules (Electoral Commissioner, in the matter of an inquiry relating to elections for officers in the Australian Federal Police Association Branch of the Police Federation of Australia [2016] FCA 469).
27. The character of the 'transaction' presently being considered is very distinct and different from the character of the conduct that has been determined to amount to an irregularity.
28. In our view no irregularity arises. Further, there is no express requirement at law for notice of a particular length or to be given at a particular time, notice has been given at the opening of nominations by the ASU website and by the rules, the Branches have provided the Notices as soon as they were practicably able in conformity with the request of the EO and nothing remains to be perfected.
29. In answer to the questions posed above:
- (a) rule 65 a. does not have the effect of requiring a notice to be given on the day that nominations open
 - (b) no breach of rule 65 a. has occurred;
 - (c) no breach of rule 65 has occurred;
 - (d) no breach of another rule or the FWROA has occurred; and
 - (e) no irregularity has arisen.
30. In our view there is no defect for the AEC to rectify, other than to the extent that has already occurred by perfecting the Notices.
31. In relation to the other issues raised by Ms Darmanin, we understand that:
- (a) further communication is occurring between the ASU and the EO in relation to 'compiled' Team nominations, albeit that discussion has not dealt with the issue raised – the use of a non-team nomination form;
 - (b) our provisional view is that it should not matter as long as the compilation complies with the requirement of rule 68 i. – that is form must not overcome substance;
 - (c) we will consider this matter and provide further advice, which we will do as soon as we practicably can, noting the urgency;
 - (d) the issue of the e-signature (which we consider permissible) has been raised directly with the EO (Mr Potter's correspondence of even date) and we are waiting on a response.

We are available to discuss these issues further.

Yours faithfully



John Payne
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9 May 2023

Lisa Darmanin
Branch Secretary
Australian Municipal, Administrative, Clerical and Services Union
Victorian and Tasmanian Authorities and Services Branch

Contact
John Payne
Consultant
johnp@hallpayne.com.au

Our Ref: JWP:4230776

Attention: Scott Shepherd, Legal & Governance Manager
By Email: <sshepherd@asuvictas.com.au>

Dear Lisa

Re: Team Nominations

We enclose:

- Draft Individual Team Nomination

We refer to the above matter and to your request for advice to clarify certain issues that have arisen because of the electoral officer's (EO) approach to the drafting of the team nomination form for the ASU.

We confirm your instructions are that the advice we provide will be made available to all members of the Branch who make enquiry on this issue and that you propose to request that the ASU national office publish the advice, or a relevant extract of the advice, on the national website.

We advise:

1. The FWROA and its regulations are silent on the 'form' of nomination – see section 143(1)(d) FWROA.
2. The ASU rules are silent on the 'form' of nomination
3. Rule 67 provides for the nomination of candidates who are nominating individually. Rule 68 provides for the nomination of candidates who are nominating as part of a team.
4. The process of nomination is different from individual nomination to team nomination:
 - (a) an individual candidate must be nominated by relevantly qualified nominators – see rule 67(b)– (d);
 - (b) a team candidate does not require to be nominated;
 - (c) an individual candidate must consent in writing to their nomination – see rule 67(f); and
 - (d) a team candidate must sign the 'Team Nomination'.
5. The rules define 'Team Nomination', for the purposes of the electoral rules, as:

' ... a nomination of a group of Eligible Members under rule 68¹

6. Rule 68 is an electoral rule.
7. This definition is entirely consistent with rule 68 a.:
Subject to this rule, a group of Eligible Members may, in relation to an election for Branch Offices in their respective Branch, together nominate as a team for that election.
8. Rule 68 makes further provision:
 - (a) must only nominate an eligible member for an office when the member is entitled to hold that office;
 - (b) ensure there are sufficient team candidates for each office the subject of the election; and
 - (c) if nominating as a team candidate an eligible member may not nominate as an individual candidate.
9. In summary:
 - (a) a team candidate does not need to be nominated;
 - (b) a team candidate nominates by nominating as a member of a team with a group of other candidates;
 - (c) an eligible member must only nominate for an office when the member is entitled to hold that office;
 - (d) a team nomination is only valid if an eligible member is nominated for each office (inclusive of multi-member offices) in the election;
 - (e) the team candidate has signed the nomination; and
 - (f) the FWROA/rules do not provide for the form of a team nomination.
10. The powers of the EO are confined by section 193(1) FWROA to perform the rules, but an EO may give such direction as necessary to avoid irregularity.
11. It appears that the AEC (by its Assistant Director Organisations) has conceded that multiple documents can be utilised for the purposes of a team nomination. That is the form drafted by the EO does not have to be adopted as a single form with that single form signed by each team candidate. As we understand it formal confirmation has been sought but is still to occur.
12. The practice adopted by the EO has, however, differed from the approach adopted in at least the last quadrennial election. In that election the team nomination form utilised did not discretely set out each of the offices but rather provided blank boxes to be completed by each individual team candidate, in so far as the 'office' for which they were seeking to be a candidate was concerned.
13. The two nomination forms (team nomination/individual nomination) are inherently different for this reason.
14. The team nomination form is detailed as to office and then designed to have the relevant information completed.
15. The individual candidate form is essentially blank.

¹ See rule 58.

16. The forms are a creation of the EO. They have no relevance beyond the information they communicate. To put this another way the EO can only require compliance with the rules and cannot add a requirement that only a particular form be used².
17. Consequently, it is necessary to focus precisely on what is required for a team nomination. The team nomination requires a signature only, but that signature must evidence the eligible member concerned is nominating as part of a team.
18. Our concern is a practical one; the use of the individual candidate nomination form does not evidence a team nomination and arguably has the opposite effect. We consequently recommend against the use of the individual candidate nomination form by a candidate for team nominations.
19. In our view, however, there is no requirement for the EO's form to be used. A team in the Branch election could create its own individual nomination forms which, when compiled together, become the team nomination.
20. The essential elements of a team nomination form are set out above and there is no reason why those components cannot be created to relate to only one office. Each individual form would need to be signed by the respective candidate and those individual forms would then need to be compiled to form the team nomination.
21. To put the matter beyond doubt as to its compliance with rule 68 a. it is appropriate to title the form 'Team Nomination'. Further it would also be appropriate to indicate the name of the team in the headings, if that information was available at the time of creation of the form.
22. Further whilst it is our preference that the individual candidate nomination forms are not used, if as a last resort they are used, then the provision for nominations should be crossed out and the heading 'team' (preferably with the name of the team) added at the top of the form.
23. It would be appropriate if either the Branch or the national office raised this issue with the EO to confirm the process and following confirmation that advice be made available on the ASU's website.
24. To assist we have attached a draft form for team candidates to complete and sign.

Please do not hesitate to contact the writer to discuss these issues further.

Yours faithfully



John Payne
Hall Payne Lawyers

² Such a requirement is patently in context beyond an act required to avoid irregularity.

Appendix J

Ann Dougan
Returning Officer
Australian Electoral Commission

By Email: iebevents@aec.gov.au,

26 June 2023

Dear Ms Dougan

Re: Quadrennial Election 2023 – ASU New South Wales & ACT (Services) Branch – E2023/35 – Stage 2

I refer to your correspondence on the 16 June 2023 and communication with National Secretary, Robert Potter.

The Stage 2 collegiate election to be held for the **ASU New South Wales & ACT (Services) Branch** is for the offices of 15 National Conference Delegates, by members of the Branch Council in accordance with the FWC decision - Arrangement for Conduct of Election (E2023/35, [2023] FWCD 1010) and provided for by branch rule 16 as follows:

16 - NATIONAL CONFERENCE DELEGATES

The Branch shall be represented on National Conference by the Branch's National Executive Representatives and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7.

The election, in past quadrennial elections, has always been conducted as an 'in-person ballot' under ASU rule 74 k., as it was practicable and timely for a meeting to be held:

74 - COLLEGIATE ELECTIONS

k. An election under sub-rule j. is to occur:

- i. at a meeting of the Electoral College where it is practicable for a meeting to be held; or*
- ii. by means of a postal ballot, where it is not practicable, or timely, for a meeting of the Electoral College to be held,*

provided that the Electoral College may, prior to the Quadrennial Election, determine whether the election is to be conducted at a meeting or as a postal ballot, and must set out its determination (if any) in the prescribed information filed in applying for the election.

I understand the AEC has expressed work, health and safety concerns. We have extensive experience in conducting events and providing appropriate safety measures (such as social

distancing and the use of personal protective equipment). We know that the process of conducting an uncontested ballot is a matter of minutes. Should there be a contest, we expect a ballot would not take longer than one hour. This relatively short duration of time minimises any likely exposure and risk.

Our rules, approved and certified by the Fair Work Commission, provide a transparent and democratic election process and we are committed to providing this opportunity to our Branch Council members (the "college" members). We are therefore requesting that the Branch and National rules be respected and that the Stage 2 collegiate election be held at the annual meeting of the Branch Council as detailed below.

Date: 30th November, 2023
Time: commencing at 12.45pm
Location: Mercure Sydney, Level 2, Grand Central Room, 818-820 George St. Sydney NSW 2000.

I look forward to the attendance of an electoral officer.

Yours faithfully



Angus McFarland
Branch Secretary